

UNITED STATES DISTRICT COURT

for

NORTHERN DISTRICT OF CALIFORNIA

San Francisco Venue

FILED
FEB 28 2008

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Petition for Arrest Warrant for Offender Under Supervision

Name of Offender: Charles Lezine

Docket No.: CR 07-00740-01 MJJ

Name of Sentencing Judge: Ann C. Williams
United States District Judge

Date of Original Sentence: June 5, 1997

Original Offense:

Count One: Distribution of a Controlled Substance, 21 U.S.C. § 841(a)(1), a Class A felony

Original Sentence: 135 months BOP; 36 months supervised release

Special Conditions: Fine \$5000; drug/alcohol treatment

Prior Form(s) 12:

On September 8, 2007, a petition was filed in the Northern District of Illinois requesting a warrant be issued for the offender's arrest, based on the conduct alleged in Charges One and Two reported below.

On October 26, 2007, the offender appeared in custody before United States Magistrate Judge Wayne D. Brazil and Mr. Lezine was placed at Cornell Corrections in Oakland pending transfer of jurisdiction.

Jurisdiction was transferred to the Northern District of California on November 20, 2007.

On November 26, 2007, the offender appeared before United States Magistrate Judge Brazil for a status hearing. As he had left the Residential Reentry Center in Oakland without permission as alleged in Charge Three, Mr. Lezine was ordered to be placed on Electronic Monitoring, and the matter was continued to November 19, 2007, before Your Honor. On November 19, 2007, all parties appeared before Your Honor, and the matter was continued to January 24, 2008. On January 23, 2008, Assistant Federal Public Defender Leavitt filed a Request to Continue the Status Date. The matter was continued to March 14, 2008.

Type of Supervision: Supervised Release
Assistant U.S. Attorney: Maureen Bessette

Date Supervision Commenced: February 10, 2006
Defense Counsel: Joyce Leavitt (AFPD)

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Petitioning the Court

The issuance of a no bail warrant for the offender's arrest.

I, Mark Unalp, a Probation Officer employed in the United States District Court for the Northern District of California, solemnly affirm and declare, under penalty of perjury, that to the best of my information and belief, the facts set forth in this affidavit are true and correct. The factual affirmations made below are based on my personal knowledge, on official records or documents generated and maintained by my agency in the course of performing its functions, on official records or documents generated and maintained by other government agents or agencies in the course of performing their functions, or on information provided to me orally or electronically by employees or agents of other public agencies (information developed or acquired in the course of performing official agency functions).

Additionally, it is respectfully requested that the Court take notice of the addition of Charge alleged in the petition at the hearing scheduled before the Court, on November 29, 2007.

<u>Charge Number</u>	<u>Violation</u>
One	<p>There is probable cause to believe that the offender violated standard condition number six requiring the offender to notify the probation officer within seventy-two hours of any change of residence.</p> <p>Specifically, the offender failed to report that he moved to 46 Edgewater Place in Pittsburg. I received documents from the Alameda Department of Child Support Services that reported an address of 46 Edgewater Place in Pittsburg, CA, 94565, for the offender. Mr. Lezine failed to respond to numerous phone messages, appointment letters, and an appointment card left with a resident at 46 Edgewater Place.</p>
Two	<p>There is probable cause to believe that the offender violated the special condition that states he is to pay a \$5000 fine.</p> <p>On June 5, 1997, the Court ordered the offender to pay a \$5,000 fine. According to the United States District Court Clerk in the Northern District of Illinois, the offender has failed to make any payments while on supervision. He made payments in the amount of \$2,610.14, while in the custody of the Bureau of Prisons.</p>

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Three There is probable cause to believe the offender violated the standard condition that he not commit another federal, state, or local crime.

On October 26, 2007, Mr. Lezine was placed at the Residential Reentry Center in Oakland, by United States Magistrate Judge Wayne D. Brazil pending transfer of jurisdiction. On November 23, 2007, Mr. Lezine failed to return from his employment as scheduled, in violation of 18 U.S.C. § 402 - Contempt. He did return to the facility on November 24, 2007, to retrieve his personal belongings. This information was reported by the facility director, Matthew Lange.

Four There is probable cause to believe that the offender violated the special condition which states he shall participate in the Home Confinement with Electronic Monitoring Program and shall abide by all of the requirements of the program for a period of six months. The defendant is restricted to his residence at all times except for activities which have been pre-approved by the probation officer, including employment, education, religious services, medical, substance abuse or mental health treatment, attorney visits or court appearances.

Between February 3, 2008 and February 19, 2008, the offender falsely reported to the probation officer that he was reporting to his employment site on a daily basis when in fact, he was not. On February 19, 2008, the offender's employer, RSI Drilling, reported to U.S. Probation Officer Noel Belton that Mr. Lezine had not reported for work since February 2, 2008. Upon receiving this information, the offender was contacted telephonically by the probation officer and directed to return home immediately and to remain at home until receiving further instruction from the probation officer. The offender failed to return home as directed and his current whereabouts are unknown.

Evidence in support of this charge is the chronological entry dated February 19, 2008, contained in the U.S. Probation Offices file.

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There is probable cause to believe the offender violated standard condition number two requiring the offender submit a truthful and complete report within the first five days of the month.

Specifically, on his October 2007, November 2007, and December 2007 monthly supervision reports, the offender failed to list a 1994 Mercedes Benz (license plate 5GGT905). The Department of Motor Vehicles lists Mr. Lezine as the registered owner. I observed the vehicle in the driveway of 46 Edgewater Place in Pittsburg on June 26, 2007.

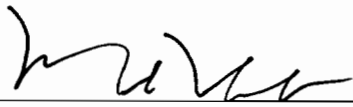
Evidence in support of this charge are the monthly supervision reports for the months indicated above and the chronological entry dated June 26, 2007, contained in the U.S. Probation Offices file.

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Address of offender: Unknown

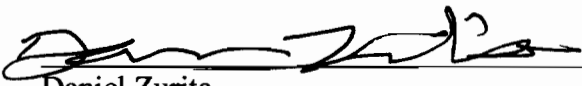
Based on the foregoing, there is probable cause to believe that Charles Lezine violated the conditions of his supervision. Therefore, I ask the Court to issue a no bail warrant for his arrest.

Respectfully submitted,



Mark Unalp
U.S. Probation Officer
Date Signed: February 27, 2008

Approved as to form:



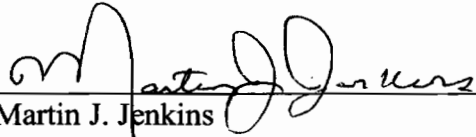
Daniel Zurita
Supervisory U.S. Probation Officer

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Having considered the information set forth above, the court finds there is probable cause to believe there has been a violation of the conditions of supervision and orders:

- ☒ The issuance of a no bail warrant. The hearing scheduled for March 14, 2008, is vacated.
☐ Other:

2/28/2008
Date


Martin J. Jenkins
United States District Judge